

REMARKS/ARGUMENTS

Favorable reconsideration of this application is respectfully requested.

Claims 1-43 are pending in this application. Claims 1, 21, and 43 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. patent 6,930,785 to Weyand et al. (herein "Weyand"). Claims 2-9, 11-17, 22-33, and 35-42 were rejected under 35 U.S.C. § 103(a) as unpatentable over Weyand in view of U.S. patent 6,009,284 to Weinberger et al. (herein "Weinberger"). Claims 10 and 34 were rejected under 35 U.S.C. § 103(a) as unpatentable over Weyand in view of Weinberger and further in view of U.S. patent 5,552,901 to Kikuchi et al. (herein "Kikuchi"). Claims 18-20 were rejected under 35 U.S.C. § 103(a) as unpatentable over Weinberger in view of Kikuchi and further in view of Weyand.

Applicant and applicant's representative wish to thank Examiner Farooq and Supervisory Patent Examiner Popovici for the interview granted applicant's representative on December 21, 2005. During the interview the outstanding rejections were discussed in detail. Further, claim amendments to clarify the claimed features were also discussed. As particularly discussed during the interview applicant's representative set forth the position that Weyand did not disclose or suggest that a firmware update was based on a corresponding previous hardware update as recited in the claims. The Examiners indicated such amendments and comments appear to address the current rejections, but that an update search would be carried out.

Addressing the above-noted rejections, those rejections are traversed by the present response.

Initially, applicants note the claims are amended by the present response to clarify features recited therein. More particularly, independent claim 1 is amended by the present response to clarify that the central supervisory apparatus operates "to determine updated hardware in an applicable one or more of the plurality of image forming apparatuses", and

that the firmware is downloaded “in accordance with the determined updated hardware”.

That claimed subject matter is believed to be fully supported by the original specification, for example in the numerous embodiments noted in the specification at page 13, line 3 et seq. indicating how different updated hardware is detected and that appropriate firmware is downloaded based on the detected updated hardware.

The claims as currently written are directed to an image forming apparatus system, method, and central supervisory apparatus that can supervise a plurality of image forming apparatuses disposed at a plurality of user sides. In particular, the claims relate to a central supervising apparatus capable of remotely downloading firmware to an applicable image forming apparatus based upon updated hardware.<sup>1</sup> To that effect, the claimed invention includes in a system with the supervisory apparatus, determining updated hardware in an applicable one or more of the plurality of image forming apparatuses, and a firm download device configured to download prescribed updated firmware to an applicable one or more of the plurality of image forming apparatuses in accordance with the updated hardware of the one or more image forming apparatuses. Further, a firmware update device is provided in each of the image forming apparatuses and is configured to update the firmware of the one of more image forming apparatuses that is downloaded from the central supervisory apparatus. At least certain of such features are believed to be reflected in each of the independent claims, and are believed to clearly distinguish over the applied art.

Applicants respectfully submit the claims as currently written clearly distinguish over the applied art.

In the majority of the rejections the primary reference now cited is Weyand. In that respect Weyand is directed to an automatic remote firmware upgrade. However, Weyand is

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<sup>1</sup> See also for example the present specification at page 1, lines 15-17.

believed to differ from the claims as currently written as Weyand does not disclose or suggest that firmware is updated based on determined updated hardware.

The applicants of the present invention recognized that in systems that for example include multiple image forming apparatuses, hardware may be updated, which may then result in it being necessary to update corresponding firmware. To address that situation the claimed inventions determine updated hardware in a system of image forming apparatuses, and download appropriate firmware. Weyand does not disclose the downloading of any firmware based on determined updated hardware. Weyand, in contrast, discloses the trigger mechanism to trigger when to actuate an automatic remote firmware upgrade is when a trigger parameter reaches a predetermined update value, "such as page count through the imaging system, or the passage of a predetermined amount of time".<sup>2</sup>

Thus, Weyand does not disclose any operation in which firmware can be updated based on determined updated hardware. Thereby, the claims as currently written are believed to clearly distinguish over Weyand.

Moreover, no teachings in the further cited references to Weinberger or Kikuchi are directed to any similar features of updating firmware, and thus are not believed to overcome the above-noted deficiencies of Weyand.

Further, with respect to the rejections utilizing Weinberger as a primary reference, Weinberger is not believed to be even closely related to the claims. Weinberger is directed to a system and method to control image processing devices from a remote location and does not have any disclosure at all related to downloading firmware. Moreover, Weyand cannot overcome the above-noted deficiencies of Weinberger for the reasons discussed above.

In view of these foregoing comments, applicants respectfully submit the claims as currently written clearly distinguish over the applied art.

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<sup>2</sup> Weyand at column 2, lines 24-26.

As no other issues are pending in this application, it is respectfully submitted that the present application is now in condition for allowance, and it is hereby respectfully requested that this case be passed to issue.

Respectfully submitted,

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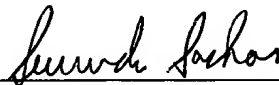
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